IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WA.No. 2365 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.28463/2007 Dated 25/09/2007
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APPELLANT: PETITIONER:

K.M. JAYASENAN, S/O. K.MADHAVAN,
"SUMERU", ASRAMAM WARD, ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK, AVALUKKUNNU P.O., ALAPPUZHA.

BY ADV. SRI.T.A.SHAJI

RESPONDENTS: RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE (RULES) DEPARTMENT, THIRUVANANTHAPURAM.

4. THE DIRECTOR OF HEALTH SERVICES,
KERALA, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.SANDESH RAJA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. Radhakrishnan & A.K. Basheer, JJ.

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W.A. No. 2365 of 2007

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Dated this the 28th day of September, 2007.

J U D G M E N T

Radhakrishnan,J:

The writ petition was preferred seeking a writ of certiorari to quash Exts.P2 and P3 orders and for a writ of mandamus directing respondents 1 to 3 to enhance the retirement age of State Government employees from 55 to 58. Similar matter came up for consideration in W.A. 2223/07 which we did not entertain. We are of the view that this Court will not be justified in issuing a writ of mandamus directing the Government to enhance the retirement age of Government employees.

2. Learned counsel appearing for the appellant brought to our notice the recommendations made by the VIIIth Pay Revision Commission. Item 8.4.05 in the Report reads as follows:

> "Therefore on balance of consideration the unemployment problem arising out of this extension for another 3 years on the one hand and the benefit, government is likely to derive by continuing employees up to the age of 58 availing their expertise and experience, we would consider the

> latter option more beneficial to the State. Therefore we recommend extension of the age of retirement from 55 to 58 with the conditions stated above".

Learned counsel also submits that the recommendations made by the Pay Revision Commission was accepted in toto as per Ext.P1 order dated 17th March 2006. These are all matters for the Government to take note of. As stated earlier, this Court will not be justified in issuing a mandamus directing the Government to enhance the retirement age of Government employees.

Writ Appeal is dismissed.

K.S. Radhakrishnan
Judge.

A.K. Basheer
Judge.

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